S.B. CIVIL SECOND APPEAL NO. 340/06

Date:- 3.4.2007

HON'BLE MR. PRAKASH TATIA,J.

Mr. Shyam Ladrecha, for the appellant.
Mr. N.Trivedi, for the respondent.

Heard learned counsel for the parties. The two courts below have concurrently decided all the questions of fact against the plaintiff and held that the plaintiff has no right to get the relief of closer ventilators, windows etc. open by the defendant on open land which according to plaintiff himself is a open land and shall remain open because of agreement between him and his brother. Therefore, two courts below rightly did not grant the relief of injunction of closer of aperture to the plaintiff.

No substantial question is involved in this appeal. Hence, the appeal is dismissed.

(PRAKASH TATIA),J.